

2024

Equality Policy

The Company is committed to eliminating discrimination and encouraging diversity in our workforce. Our aim is to provide equality and fairness for all in our employment and to ensure each employee feels respected.

It is unlawful to discriminate directly or indirectly in recruitment or employment because of any of the nine “protected characteristics” specified in the Equality Act 2010. These are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

We also do not permit discrimination against individuals who have ‘spent’ convictions as defined by the Rehabilitation of Offenders Act 1974. See the section headed ‘Rehabilitation of Offenders’ further on in this policy. We oppose all forms of unlawful and unfair discrimination, victimisation and harassment.

Our Policy is that:

- All individuals, whether part-time, full-time or temporary, are to be treated fairly and with respect.
- Selection for employment, promotion, training or any other benefit is to be on the basis of aptitude and ability.
- All employees will be supported and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

Our commitment

- To create an environment where individual differences and the contributions of all our staff are recognised and valued.
- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- We will monitor the implementation of this policy and update it accordingly.
- The Company has a responsibility not to indirectly support unfair discrimination by ignoring what is happening within the workforce.
- Any alleged breach of this policy will be investigated and may result in disciplinary action.
- Behaviour or actions against the spirit and/or the letter of the laws on which this policy is based will be considered a serious disciplinary matter and may lead to dismissal.

Your Responsibilities

You have a responsibility to behave in ways which support a hostile-free working environment for you and your colleagues and take appropriate action if you observe or have evidence that someone is being harassed.

The following points should be noted:

- at all times refrain from any form of harassment, victimisation, intimidation and/or bullying of colleagues or employees of other organisations, such as clients, sub-contractors or clients
- do not participate in verbal statements or physical action that are unwelcome
- do not undermine a colleague or any other employee by derogatory statements
- do not victimise any person who has made a complaint of harassment
- If you are responsible for harassment you may be prosecuted under criminal as well as civil law and could be personally liable, having to pay compensation yourself. If your behaviour is such that an employee feels the need to take legal action against you, the company will not defend you in court, nor pay towards your legal costs.

Discrimination

There are different types of discrimination that all individuals should be aware of:

Direct Discrimination

Occurs when an individual is treated unfairly because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Example of direct discrimination

A manager turns down a female employee's application for promotion to a supervisory position. He believes that since she has recently married she will soon want to have children and therefore does not think that she would be fully committed to the role. This is direct discrimination against the female employee on grounds of both marriage and civil partnership and also gender.

Discrimination by association

This is when an individual is treated unfairly due interacting with another individual who has one or more of the following nine characteristics: race, religion or belief, sexual orientation, age, disability, gender reassignment and sex.

Example of discrimination by association

A Contracts Manager is looking forward to a promised promotion. However, after he tells his boss that his mother, who lives at home, has had a stroke, the promotion is withdrawn. His boss believes that he would not be fully committed because he would need to spend time looking after his mother. This is discrimination against the employee because of his association with a disabled person.

Perception discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic of age, race, religion or belief, sexual orientation, disability, gender reassignment or sex. It applies even if the person does not actually possess that characteristic.

Example of perception discrimination

An employee is aged forty-five but looks much younger and many people assume that he is in his mid-twenties. He is not allowed to represent his Company at an international meeting because the Managing Director thinks that he is too young. This employee has been discriminated against on the perception of a protected characteristic – ie age.

Indirect discrimination

This occurs when there is a condition, rule, policy or procedure that applies to everyone but particularly disadvantages one group of people who share one or more of the following nine characteristics: age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment.

Example of indirect discrimination

All workplace health and safety information is printed in English. (Those whose first language is not English may be at risk of indirect discrimination).

Bullying, Harassment & Victimisation

BULLYING

- Bullying is behaviour which is meant to undermine, humiliate or injure the person on the receiving end. It may or may not involve an abuse of power.

HARASSMENT

- Harassment is any unwanted behaviour that violates dignity or creates an intimidating, humiliating or offensive environment. It can take many forms and occur for a variety of reasons. It may be related to age, sex, race, disability, religion, sexuality or any personal characteristic of an individual. It may be directed at one person or many people. Often it takes place when there are no witnesses, but not always. It can be persistent behaviour over a period of time, but a one-off act may also amount to harassment.
- It is not the intention of the perpetrator that is the key in deciding if harassment has occurred, but whether the behaviour is unacceptable by reasonable normal standards and is disadvantageous or unwelcome to the person or people subjected to it or witnessing it.
- Be mindful of how you conduct yourself in the workplace. Your conduct may constitute harassment even if you did not intend it to offend anyone. Something intended as a "joke" may be found funny by one individual but may serve to offend another. Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others.

EXAMPLES OF BULLYING AND HARASSMENT

This list is not exhaustive and is not limited to:

- Physical contact
- Jokes, offensive language, gossip, slander, sectarian songs and letter
- Posters, graffiti, obscene gestures, flags, bunting and emblems
- Isolation or non-cooperation and exclusion from social activities
- Coercion for sexual favours
- Pressure to participate in political/religious groups
- Intrusion by pestering, spying and stalking
- Failure to safeguard confidential information

VICTIMISATION

Victimisation is where an employee is treated badly because they have raised or supported a genuine complaint against a breach of the Equality Act.

EXAMPLE OF VICTIMISATION

An employee makes a formal complaint against her manager because she feels that she has been discriminated against because of her age. Although the complaint is resolved through the Company's grievance procedure, she is subsequently ostracised by her colleagues, including her manager. She could claim victimisation.

How to Complain

INFORMAL COMPLAINT

If you feel able to, you should make it clear to the protagonist, informally, that their behaviour is unwelcome and should stop immediately. It is preferable that complaints are resolved informally wherever possible.

FORMAL COMPLAINT

Where the informal approach fails or if the harassment is of a more serious nature you should bring the matter to the attention of your manager as a formal, written, complaint.

- The person dealing with the complaint will carry out a thorough investigation in accordance with this procedure, in conjunction with HR.

- Those involved in the investigation will be expected to act in confidence: any breach of confidence will be treated as a disciplinary matter.
- All allegations will be treated speedily, seriously and remain confidential.
- The person making the complaint will be protected from victimisation.

When the investigation has been concluded, a report of the findings will be produced detailing the investigator's decision. A copy will be sent to you and the alleged protagonist (the harasser). The hearings will be conducted in the same manner as a disciplinary hearing. The rights of both parties must be protected.

If the investigation concludes that the allegation is proven, the protagonist may be subject to disciplinary action. If the report concludes that there is no basis for the complaint or the complaint is untrue, and has been brought with malicious intent, you may be subject to disciplinary action. Any disciplinary action that is implemented will be in accordance with the Company's Disciplinary Rules and Procedures.

Rehabilitation of Offenders

As of March 2014:

Under the Rehabilitation of Offenders Act 1974 many ex-offenders are given certain employment rights if their convictions become 'spent'. Broadly speaking, anyone who has been convicted of a criminal offence and who is not convicted of a further offence during a specified period (the 'rehabilitation period') becomes a 'rehabilitated person'.

This means that:

- The conviction does not have to be declared for most purposes, such as applying for a job
- Employees are given protection against dismissal or exclusion from any office, profession, occupation or employment (with some exceptions) because of their spent conviction and
- Employers cannot prejudice a person in any way because of a spent conviction.

It is therefore illegal to discriminate against an individual on the grounds of them having a criminal record, if that criminal record is 'spent' under the terms of the Rehabilitation of Offenders Act 1974.

A conviction resulting in a prison sentence of more than 4 years can never become spent. There are some exceptions to the Act – broadly relating to work with children, the sick, disabled people and the administration of justice. People working in such jobs have to declare all convictions they have had, regardless of how long ago they were.

Length of custodial sentence	Rehabilitation period
0 - six months	The period of sentence plus a buffer period of two years
Six to 30 months	The period of sentence plus a buffer period of four years
30 months to four years	The period of sentence plus a buffer period of seven years
Over four years	Never spent

Where the individual was convicted, but not sentenced to a period in prison, the following time periods apply:

Non-custodial sentence	Rehabilitation period
Community order or youth rehabilitation order	The period of the order plus a buffer period of one year
Fine	One year from date of conviction
Absolute discharge	None
Conditional discharge, referral order, action plan order, supervision order, bind-over order or hospital order	Period of the order

Employees of Livingston, or people applying for jobs with Livingston, cannot be asked if they “have a criminal record”. It is however permissible to ask a job candidate if they “have any unspent convictions under the Rehabilitation of Offenders Act 1974”.

Consequences of breaching this policy

- Any employee breaching the policy may be liable to action under the Company’s disciplinary procedure. Furthermore, the Company may identify a breach of this policy as a training & development need and may require the employee to undergo corrective training.
- A breach of the policy which is deemed by the Company to be serious, or repeated breaches may be considered as gross misconduct under the company’s disciplinary policy.

Scope of Policy

This policy is intended for all employees, its revision effective from the approved date shown below. It will remain in place until further notice. Livingston reserves the right to amend or withdraw this policy at any time.